

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12526 of 2019

Arising Out of PS. Case No.-40 Year-2018 Thana- MAHILA P.S. District- Bhojpur

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BINOD KUMAR, Son of Late Mahaveer Prasad, R/o village- Bhaluhi, P.S-
Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Parvati Devi, Wife of Binod Kumar , D/o Mahendra Prasad, R/o village-
Dulahpur, P.S- Semri, District- Buxar. At Present resident of New Bihar, P.S-
Nawada, District- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-05-2019 Heard learned Counsels for the petitioner and the
respondent.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 498(A), 420, 379/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Parwati Devi submitted to the S.H.O. Mahila P.S., Ara is to the effect that the informant was married with the petitioner on 20.04.2008, subsequently, they were blessed with two children. But, thereafter, further dowry of Rs. 3 lakhs was demanded for



the purpose of starting a business and due to non-fulfillment of the same torture was inflicted upon the informant. It is further alleged that initially the issued was reconciled on 07.07.2013 by the Mahila Help Line. Thereafter, on 03.01.2017, an agreement was executed between the parties and the petitioner took the informant to her matrimonial house. It is also alleged that on 04.07.2017 the petitioner took the signature of the informant on a blank paper and ultimately, in January, 2018, after snatching all her belongings, she was driven out from her matrimonial house by all the accused persons.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. It is further submitted that at present the petitioner is not ready to keep the informant since and he has filed Matrimonial Case No.299 of 2017 for dissolution of marriage. Though, a statement has been made in paragraph no.16 of the petition that the petitioner is ready to keep the informant as wife with full dignity and honour, which reads as follows:

“16. That the petitioner is always ready to keep her with all dignity but she did not want to live from the date of marriage.”

It is submitted by the learned counsel for the informant that the Matrimonial Case No.299 of 2017 has been dismissed, vide



order dated 15.05.2018, passed by Principle Judge, Family Court, Bhojpur at Ara for non-prosecution. It is further submitted that the informant is still ready to resume the conjugal life but it is the petitioner who has deserted her.

The petitioner and the informant are present in the Court but it does not appear that the issue is likely to be reconciled between the parties at present.

Learned counsel for the petitioner further submits that the petitioner is ready to make payment of Rs.3,500/- per month to the informant from June, 2019 by depositing the same in her bank account by second week of every succeeding month.

Learned counsel for the informant further submits that the informant reluctantly accepts the offer of the petitioner and she undertakes to submit her bank account detail within a period of three weeks from today by filing the same on affidavit before the learned Court below.

Considering the present stand of the parties, in order to save the informant and his two children for the present from destitution and vagrancy with a lurking hope that the issue may reconcile in the future, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of 12 weeks



from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **S.D.J.M.-I, Bhojpur at Ara** in connection with **Mahila P.S. Case No.40 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order being passed in matrimonial, maintenance or any collateral proceedings.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/Deepak

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